



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

July 28, 2010

PUBLIC HEARING ANNOUNCEMENT

The WSDA Organic Food Program (OFP) is proposing changes to Chapter 16-160 WAC, Registration of Brand Name Materials for Organic Food Production. The USDA National Organic Standards require that all certified organic producers, processors and handlers use materials that comply with the applicable part of the Standards [7 CFR Part 205]. Through the Brand Name Material Registration Program, the OFP maintains a list of products that have been determined as meeting the requirements under the National Organic Standards. During the 2010 Washington State Legislative Session, the OFP sought legislative approval to update the state statute, Chapter 15.86 RCW, providing clear authority for the Material Registration Program and codify inspection authority. On June 11, the changes to Chapter 15.86 RCW became effective. As a result, it became necessary for the department to update the rules for Brand Name Registration, Chapter 16-160 WAC.

The registration program continues to grow in the number of companies and products seeking approval for use in organic production and handling. Currently, the OFP registers approximately 600 products, with over 200 companies applying. The changes to Chapter 16-160 WAC will assist applicants with the application process and ensure inspection and recordkeeping requirements are clear to applicants. The result will be a list of brand name material inputs that comply with organic standards and continued compliance of certified organic operations.

Key elements of the proposal

- In order to comply with National Organic Program requirements, the OFP must have the capability to conduct inspections of manufacturers of approved products. The proposed rule outlines the requirements for inspection.
- Application requirements are clarified in the proposed rule.
- Recordkeeping requirements for materials manufacturers are outlined to ensure traceability of products throughout the manufacturing process.
- Fees are not increasing with this proposed rule change.

Your comments are important! Please review the proposal and direct comments or suggestions to our office by 5 p.m., August 25, 2010.

SEND COMMENTS TO TERESA NORMAN AT:

Email: wsdarulescomments@agr.wa.gov

Mail: WSDA, PO BOX 42560, Olympia WA 98504-2560

FAX: (360) 902-2087

Contact Katherine Withey via telephone at (360) 902-1882 or email at kwithey@agr.wa.gov with any questions regarding the proposed amendments.

Public Hearing

Wednesday, August 25, 2010; 2:30 PM

Room 259, 2nd Floor,
Natural Resources Building
1111 Washington Street
Olympia, WA 98504

Contact our office at (360) 902-1805, cbemis@agr.wa.gov for directions.

BACKGROUND INFORMATION

The WSDA Organic Food Program is proposing changes to chapter 16-160 WAC, Registration of Brand Name Materials for Organic Food Production, as a result of recent changes to our state statute, Chapter 15.86 RCW.

Organic producers and handlers must only use materials that comply with the National Organic Standards [7 CFR Part 205]. The Standards include the National List, which dictates allowed and prohibited generic substances for use in organic crop and livestock production, as well as allowed non-organic generic substances allowed in organic food processing and handling. The WSDA Organic Food Program publishes the Brand Name Material List to assist organic producers and handlers to maintain compliance with the National Organic Standards in regards to input materials. The Brand Name Material List consists of brand name materials that have been evaluated to determine that they comply with the National Organic Standards. The list is distributed to all WSDA certified operations and is available on the WSDA Organic Food Program website. This list is updated quarterly.

The material registration program is a voluntary program and is funded by registration fees. Organic input supply companies are not required to register their products in order to provide those products to organic producers or handlers. However, WSDA certified organic operators can use products that appear on the brand name material list and maintain confidence that the use of these products will not jeopardize certification.

PROPOSED CHANGES TO CHAPTER 16-160 WAC

WAC 16-160-010 Purpose

This chapter specifies the process for registering materials approved for use in organic production, processing and handling on the department's brand name materials list.

WAC 16-160-030 Definitions

This section adds definitions for the following: authorized representative and the National Organic Program (NOP). Amends the definitions for animal manure, compost, fertilizer, label, labeling, livestock production aid, material, person, pesticide, processing aid, registrant, and spray adjuvant. Deletes definitions for applicant, brand name material, distribute, organic-waste-derived material, and registered material.

WAC 16-160-120 to WAC 16-160-160 Application Requirements

WAC 16-160-120 Applications

This is a new section and clarifies the nature of registration on the brand name materials list. It also address liability of the department regarding the usage of materials registered on the brand name materials list.

WAC 16-160-130 General Application Requirements

This is a new section and clarifies the general application requirements for a materials registration, such as: addresses, locations of forms, requirements for materials approval, expiration dates, etc.

WAC 16-160-140 Initial Application Requirements

This is a new section that delineates the information required on an initial application, (eg. Brand name of material, name of registrant, copy of label, manufacturing process, flow chart, etc.)

WAC16-160-150 Renewal Application Requirements

This is a new section that lists the information required for renewal applications.

WAC 16-160-160 Updating an Application

This is a new section that specifies the process and requirement for updating an application.

WAC 16-160-170 Confidential Information

This section provides information regarding confidential information and public disclosure.

WAC-16-160-180 Inspections

This is a new section that clarifies matters regarding inspections and the requirement for access to manufacturing facilities.

WAC 16-160-190 Recordkeeping Requirements

This is a new section that clarifies what records must be maintained by the registrants and for what duration.

WAC-16-160-200 Fees

This section pertains to the fees assessed by the program for initial registration, renewal, late, inspection, analysis of chemical samples, and expedited evaluations. There are no new fees associated with this rule change.

WAC-16-160-210 Labels

This section pertains to the use of labels and the WSDA Brand Name Materials List logo.

WAC-16-160-220 Suspensions

This is a new section that states rules to which registrants are subject with respect to suspensions, revocations, cancellation, and denial of registrations.

Attachments:

- Public Comment Form
- CR-102
- Proposed changes to chapter 16-160 WAC, Registration of Brand Name Materials for Organic Food Production